COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: March 27, 2009

OFFICE CORRESPONDENCE FILE NO. SH2198436

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY ANDREW TOONE #[redacted]
DEPUTY [redacted] #[redacted]
COMPTON STATION

On July 5, 2007, at about 1055 hours, Deputies Andrew Toone and [redacted] shot a 17-year-old male, Subject [redacted] after he pointed a handgun at them.

Deputies Toone and [redacted] saw [redacted] walking east. Subject [redacted] looked toward the deputies, grabbed his waistband, and he began walking faster, trying to elude the deputies. Believing the subject may be concealing a weapon or narcotics, they decided to contact Subject [redacted]

Deputy [redacted] exited the passenger side of the marked patrol car and ordered Subject [redacted] to stop. The subject turned quickly away from the deputies. As Deputy [redacted] continued after the subject, he saw Subject [redacted] lift his shirt, revealing the butt of a firearm tucked in his waistband. Deputy [redacted] immediately yelled to Deputy Toone that the subject was armed.

Subject [redacted] continued to run away from the deputies, westbound, into the middle of 148th Street, with Deputy [redacted] following behind. At this time, Deputy Toone could see Subject [redacted] rounding the west side of the motor home directly in front of him.

As Subject [redacted] continued running, he turned his upper body toward Deputy Toone, raising his firearm directly at the deputy. Fearing for their lives, both deputies fired their firearms at the subject, striking him once in the back of the left thigh. The subject tried running from the deputies, but he collapsed approximately 10 yards away and dropped the firearm. The deputies safely approached the subject and handcuffed him, awaiting the arrival of paramedics and assisting deputies.

Subject [redacted] was medically treated at Harbor-UCLA Medical Center for a single gunshot wound to the left thigh.

The subject's weapon, a 4-inch, .38 caliber Smith & Wesson revolver was recovered from the scene. Five expended 9mm shell casings were also recovered from the scene.

On March 12, 2009, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force, MPP § 3-01/025.30, Use of Firearms and Deadly Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Andrew Toone #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/025.00, Use of Force, MPP § 3-01/025.30, Use of Firearms and Deadly Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy [redacted] #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:YLW:ylw

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
07-05-07	Compton Station	☐	☒

Incident Information

URN: 007-11239-2872-055	Date: 07-05-07 Time: 1055 hours
City or Station: Compton Station	Nature of Incident: SJ/[redacted] was walking eastbound 148th Street carrying a handgun. When Deputies attempted to apprehend SJ, he turned facing Deputies pointing a handgun at them. Fearing for their lives, each deputy fired at the SJ.
Location [redacted] S. Keene Avenue, Compton 90220	

Location Type (circle one or more):	Lighting (circle only one):	Incident Type (circle one or more):	Initiated by (circle only one):
Backyard	Darkness	Accidental	Arrest Warrant
Beach	**Daylight**	**Armed Person**	Call
Business	Other	Fleeing Suspect	**Observation**
Freeway	Street Lights	Foot Pursuit	One Person Unit
Industrial	**Weather (circle only one):**	Gun Take Away	Other
Park	**Clear**	Moving Vehicle	Search Warrant
Parking Lot	Cloudy	Sniper/Ambush	Two Person Unit
Residence	Fog	Startle	**Prior Activity (circle only one):**
Rural	Rain	Struggle Involved	Detective
School		Traffic Stop	Inmate Transport
Street	Distance:	Unarmed Person	Other
Other: ______		Unintentional	**Routine Patrol**
		Vehicle Pursuit	
		Warrant Service	
Total # of Shots Fired by Deputy: 5	Total # of Shots Fired by Suspect: 0	Warning Shot	Aero Unit? ☐ Canine Unit? ☐
		Other: ______	

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (circle only one):	ShiftType (circle only one):
[redacted]	Toone	Andrew		EM PM **Day**	**Regular** Overtime Off Duty
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph [redacted]	Home Ph [redacted]	
Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph [redacted]	Home Ph [redacted]	
Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph [redacted]	Home Ph [redacted]	

Supervisors

Employee #	Last Name	First Name	M.I.	(circle one or more):
[redacted]	Moffett	Mark		**On Duty** Present during shooting Witness to shooting Involved in shooting
				On Duty Present during shooting Witness to shooting Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Miller	Ralph	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Regalado	Raul	

PSTD Use Only
SH # 2198436

Officer Involved Shooting

URN: 007-11239-2872-055

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
07-05-07	1300	11-24-08	

Employee #	Last Name	First Name	M.I
[redacted]	Taylor	Rossanna	
[redacted]	Baird	Marshall	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents [OC Spray)
(TG) Chemical Agents [Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED (one code per block)

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
E#1	S#1	FH	BR	9	Y	Y	NN	LE
E#2	S#1	FH	BR	9	Y	Y	NN	LE

Officer Involved Shooting
Involved Employee Information

URN: 007-11239-2872-055

Involved Employee

E 1

Employee # [redacted] | Last Name: Toone | First Name: Andrew | M.I.: M

Sex: M | Race: H | Rank: Deputy Sheriff | Unit Assignment: Compton Station | Work Assignment (Unit #, Module, etc.): 287ADays

ShiftTime (*circle only one*): EM PM **Day** (circled) | ShiftType (*circle only one*): **Regular** (circled) Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☒

Hrs of sleep prior to shooting: | Duty Time (hrs): [redacted] | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest** (circled) | Other Factors:

Age: [redacted] | Height: 6-0 | Weight: 200

Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted]

Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? ☒ | Number of Prior Shootings: 1 | Directed Force: [redacted]

Weapons Fired Brand: Beretta | Caliber: 9mm | # Shots: 4 | Weapons Fired Brand: Beretta | Caliber: 9mm | # Shots: 4

Field Training Officer Emp # | Last Name [redacted] | First Name [redacted] | M.I. [redacted]

Field Training Officer Emp # | Last Name [redacted] | First Name [redacted] | M.I. [redacted]

E 2

Employee # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted]

Sex: [redacted] | Race: [redacted] | Rank [redacted] | Unit Assignment: [redacted] | Work Assignment (Unit #, Module, etc.): [redacted]

ShiftTime (*circle only one*): [redacted] | ShiftType (*circle only one*): [redacted] | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): [redacted] | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest** (circled) | Other Factors:

Age: [redacted] | Height: [redacted] | Weight: [redacted]

Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted]

Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? [redacted] | Number of Prior Shootings: [redacted] | Directed Force: [redacted]

Weapons Fired Brand: Beretta | Caliber: 9mm | # Shots: 1 | Weapons Fired Brand: | Caliber | # Shots

Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted]

Field Training Officer Emp # | Last Name [redacted] | First Name [redacted] | M.I. [redacted]

E _

Employee # | Last Name | First Name | M.I.

Sex: | Race: | Rank | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest | Other Factors:

Age: | Height: | Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings: | Directed Force: ☐

Weapons Fired Brand: | Caliber | # Shots | Weapons Fired Brand: | Caliber | # Shots

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

See Other Side

Officer Involved Shooting Suspect Information

URN: 007-11239-2872-055

Suspect Information

S 1

Last Name [redacted]	First Name [redacted]	M.I. [redacted]
AKA Last Name	First Name	M.I.

Sex: M Race: Blk	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone:	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 17 D.O.B. [redacted]	Height: 602 Weight: 175	FBI #	CII #
Booking # [redacted]	Primary Charge: 245(C) P.C.	Secondary Charge: 417(C) P.C.	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make N/A		Model:	Year:

S

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses:

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]

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LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE MAURIZI • Director

April 7, 2008

Captain James Curtis
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. # 07-0424
L.A.S.D. # 007-11239-2872-055

Dear Captain Curtis:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the July 5, 2007, non-fatal shooting of [redacted] by Deputies Andrew Toone and [redacted] of the Los Angeles County Sheriff's Department (LASD). We find that Deputies Toone and [redacted] acted lawfully in self-defense and defense of another.

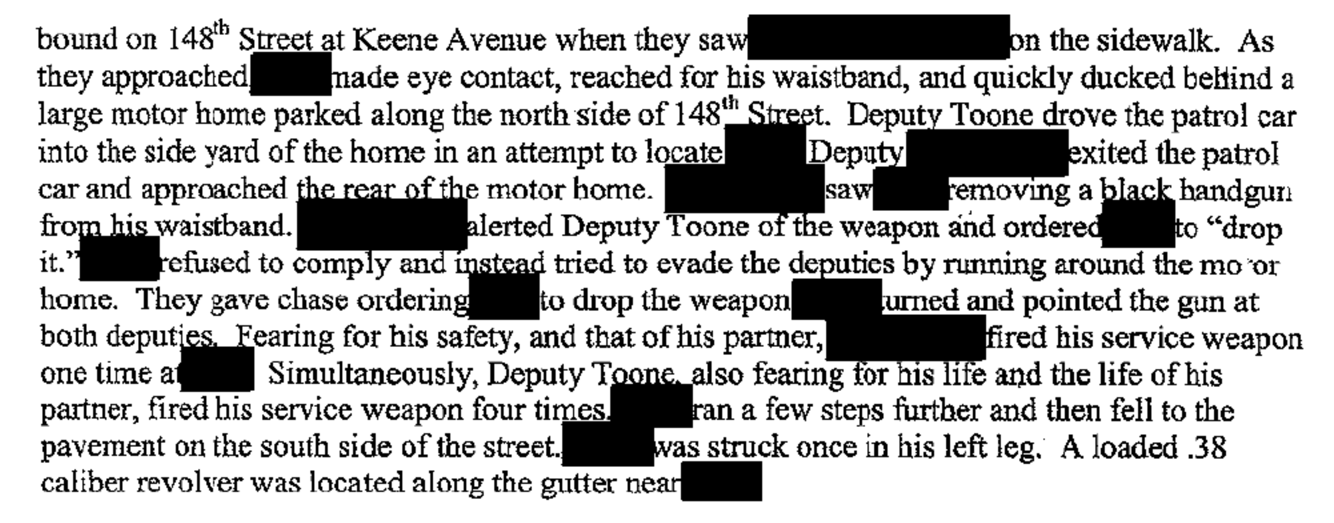
The following analysis is based upon the reports submitted to this office on October 10, 2007, by Detective Frank Salerno Jr. of the LASD, Homicide Bureau. The District Attorney's Command Center was notified of this incident at 12:10 p.m. on July 5, 2007. The District Attorney Response Team, consisting of Deputy District Attorney Christian Gullon and Senior Investigator [redacted] was notified by the Command Center and responded immediately to the scene. They were given a briefing and a "walk-through" of the scene by investigators. Deputies Toone and [redacted] gave voluntary statements which were reviewed and considered in our analysis.

FACTUAL ANALYSIS

On July 5, 2007 at approximately 11:00 a.m., Deputies Andrew Toone and [redacted] were assigned to the LASD Compton Station. They were in a marked patrol car driving east



Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
WEBSITE: http://da.co.la.ca.us



bound on 148th Street at Keene Avenue when they saw [redacted] on the sidewalk. As they approached [redacted] made eye contact, reached for his waistband, and quickly ducked behind a large motor home parked along the north side of 148th Street. Deputy Toone drove the patrol car into the side yard of the home in an attempt to locate [redacted] Deputy [redacted] exited the patrol car and approached the rear of the motor home. [redacted] saw [redacted] removing a black handgun from his waistband. [redacted] alerted Deputy Toone of the weapon and ordered [redacted] to "drop it." [redacted] refused to comply and instead tried to evade the deputies by running around the motor home. They gave chase ordering [redacted] to drop the weapon [redacted] turned and pointed the gun at both deputies. Fearing for his safety, and that of his partner, [redacted] fired his service weapon one time at [redacted] Simultaneously, Deputy Toone, also fearing for his life and the life of his partner, fired his service weapon four times. [redacted] ran a few steps further and then fell to the pavement on the south side of the street. [redacted] was struck once in his left leg. A loaded .38 caliber revolver was located along the gutter near [redacted]

[redacted] lives at the above mentioned [redacted] He related that he was in the bathroom of his home when he heard a commotion outside. He looked out the bathroom window which [redacted] the [redacted] and saw two deputies and the police car. [redacted] saw [redacted] run from the deputies, turn back towards them, raise his right arm and point a gun at them. He then heard approximately four gunshots.

[redacted] told investigators that he did have a gun in his possession that morning. He ran behind the motor home to rid himself of the gun, but was unable to do so before the deputies confronted him. [redacted] stated that he ran away from the deputies while pointing the gun towards the ground. [redacted] denied ever pointing the gun towards the deputies.

CONCLUSION

According to the law in California, the use of deadly force in self-defense or in the defense of others is justifiable if the person claiming the right to use self-defense actually and reasonably believed (1) that he or she or the person who he or she was defending was in imminent danger of death or great bodily injury, and (2) that it was necessary under the circumstances to use deadly force to avoid such imminent death or great bodily injury. *California Jury Instructions — Criminal* 5.12 *et. seq.*

The evidence examined in this investigation shows that [redacted] was in possession of a handgun and pointed it at Deputies Toone and [redacted] actions placed Toone and [redacted] in reasonable fear of death or great bodily injury. We find that the deputies'

response with deadly force was in lawful self-defense and defense of another. Therefore, we are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

CHRISTIAN GULLON
Deputy District Attorney
(213) 974-3880

c: Deputy Andrew Toone, #[redacted]
Deputy [redacted] #[redacted]